



THE CITY OF NEW YORK
LAW DEPARTMENT
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MICHAEL A. CARDOZO
Corporation Counsel

July 19, 2012

Honorable Nicholas G. Garaufis
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: USA v. City, Civil Action No.: 07 CV 2067 (NGG)(RLM)
Law Dept. No.: 2007-01744

Dear Judge Garaufis:

Defendant writes in response to the Court's Order earlier today deferring ruling on the parties request to modify paragraph 1 of the Order governing distribution of the notice, objection form with instructions and applicable cover letter (the "Notice Documents") with respect to the manner of distribution to all current uniformed fire service employees of the FDNY. (Dkt 927)

The requirement that the Department Order about the fairness hearing be read at all roll calls on four consecutive days was included because of the unique work schedule of firefighters. Firefighters are scheduled to work two consecutive day tours, followed by two consecutive 24-hour days off, followed by two consecutive night tours, followed by three consecutive 24-hour days off, followed by a return to the beginning of the cycle, that is, two consecutive day tours. As the Court may recall from earlier testimony in this case, firefighters often arrange "mutuals" by which they work 24 consecutive hours followed by three days off. Reading the Department Order four consecutive days was intended to ensure that a firefighter working either a regular firefighter schedule or mutuals would attend at least one roll call at which the Department Order was read.

In order to ensure that firefighters on vacation or sick leave also receive notice, the FDNY was planning to mail the cover letter previously approved by the Court and the Notice Documents to their homes. For greater assurance that all uniformed members receive the Notice

Documents, the FDNY proposes to mail the cover letter and Notice Documents to the home addresses of *all* uniformed members beginning no later than Tuesday, July 24 with the mailing to be completed no later than Thursday, July 26, 2012. The mailing would be in addition to communicating by Department Order and having the Notice Documents available at roll call as previously described.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Michael A. Cardozo", with a long, sweeping horizontal stroke extending to the right.

Michael A. Cardozo